

Congress of the United States

Washington, DC 20515

September 26, 2005

The Honorable Robert S. Mueller, III
Director
Federal Bureau of Investigations
935 Pennsylvania Avenue, N.W.,
Washington, DC 20535

Dear Director Mueller:

We are writing to join our voices to those from Puerto Rico, where in an unprecedented manner the leaders of all political parties and groups, government officials and religious and civic leaders have universally condemned the actions of the FBI in Puerto Rico on September 23rd and 24th that resulted in the death of Mr. Filiberto Ojeda Rios.

We demand that an independent investigation be commenced immediately to determine if, as suspected by many in Puerto Rico, FBI agents used unwarranted excessive force, acted with an arrogance of power in keeping Puerto Rican constitutional and elected officials, the press and the public in the dark about their activities in the vicinity of the town of Hormigueros, Puerto Rico, and used extremely poor judgment in the timing of the attempted arrest. We request further, that if this independent investigation determines that violations of laws, rules or regulations did in fact take place, those responsible be brought to justice.

Several aspects of this incident stand out:

Lack of Coordination

The FBI acted in Puerto Rico in a manner that can only be described as colonialist. For example, the government of Puerto Rico waited for many hours before there was any official FBI confirmation of the death of Mr. Ojeda. The governor of Puerto Rico said his government frantically tried to obtain information from the FBI, which was not forthcoming

The first official statement of the FBI concerning a situation that had the attention of all of the people on the island, its government and its media, came 17 hours after it was first known that the FBI had initiated an action against Mr. Ojeda.

In addition, we have been informed that the FBI disregarded local law and authority and disconnected electrical service to the whole neighborhood where the house of Mr. Ojeda Rios was located.

Excessive force

Mr. Ojeda was a fugitive who had an arrest order against him. Clearly, Mr. Ojeda was armed. On the other hand, he was 72 years old, and was alone with his wife in their house at the time of the FBI action. We are astonished that more resources were not assigned to this case to ensure a peaceful solution and a live arrest of Mr. Ojeda. We have all witnessed the arrests of armed individuals in the past, but usually as the result of the deployment of superior forces, negotiation, and the use of time and patience. The people of Puerto Rico, and those who respect constitutionally-protected civil and human rights, demand and deserve an explanation as to why in this case those kinds of resources and methods were not used to arrest Mr. Ojeda alive.

Death

It has been reported that Mr. Ojeda died from loss of blood from a bullet wound received during his armed confrontation with FBI agents.

Puerto Rican state's attorneys were at the scene as of 6:00 p.m. on September 23rd. They were not allowed access to Mr. Ojeda's house. In fact, it is reported that no Puerto Rican officials were allowed access there until around 1:00 p.m. on Saturday, September 24th.

Dr. Hector Pesquera arrived at the police-cordoned area adjacent to Mr. Ojeda's house around 5:00 pm on Friday, September 23, and asked to be allowed to enter the premises to offer Mr. Ojeda medical attention. He was never allowed to go in. The suspicion stands, as voiced by many Puerto Rican leaders of all political ideologies, that the FBI knew Mr. Ojeda was wounded and allowed him to bleed to death. Only an independent, impartial investigation of the facts can determine the truth of this matter.

Context

The FBI has formally acknowledged that "in the past" it persecuted advocates for the independence of Puerto Rico, as documented, among many other sources, by more than 1.8 million pages of internal documents released by the FBI itself. Clearly, the persecution of any political group in Puerto Rico for advocating a position regarding the ultimate status of the island constitutes an undue interference with the right of the people of Puerto Rico to self-determination.

Given the above, why were the local authorities in Puerto Rico never informed of the impending action of the FBI against a recognized figure in the pro-independence movement? Clearly, the implications of such an action were just too controversial not to have a minimum of coordination with local elected and constitutional authorities.

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Timing

September 23rd is the date when Puerto Ricans observe Grito de Lares, an insurrection against Spanish colonialism and oppression that took place in Puerto Rico in 1868. Most Puerto Ricans and historians agree that that date marks the international declaration of the existence of the Puerto Rican nation.

Was the FBI aware that any action taken on this particular day against a renowned leader of a group that advocates for the independence of Puerto Rico would be almost universally interpreted as a provocation and an insult? Whether the FBI was aware of this or not, taking an aggressive action against a figure such as Mr. Ojeda on that particular day was ill advised.

“Arrest” of Mr. Ojeda’s wife

On its press release of Saturday morning, the FBI indicated that Mr. Ojeda’s wife had been “arrested” and was in a safe location under custody of the FBI. However, Mrs. Ojeda did not have access to legal counsel until she was released from custody many hours later. No charges were filed against her. We believe this also merits an investigation.

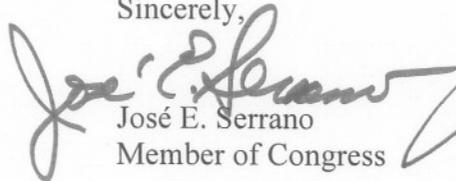
We are aware that an FBI agent was severely wounded during the raid. We pray for his rapid and full recovery.

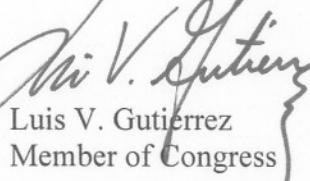
We believe that, as the FBI conducts its important duty to protect the country from criminal activity, it is critical that it maintains a very rigorous respect and observance for the rule of law and upholds the values that we hold dear. In this situation, this has been called into question. We believe that only a prompt, impartial, and independent investigation can determine the truth in this matter.

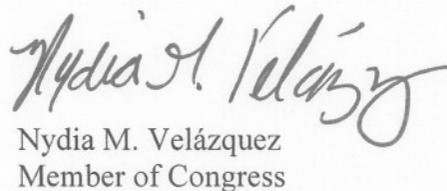
Given the urgent circumstances related herein, we would like to request a response from you no later than close of business Thursday, September 29.

Thank you for your attention to our concerns.

Sincerely,


José E. Serrano
Member of Congress


Luis V. Gutierrez
Member of Congress


Nydia M. Velázquez
Member of Congress